

Bountiful City
Administrative Committee Minutes
May 28, 2013
5:00 P.M.

Present: Chairman – Aric Jensen; Committee Members – Dave Badham and Lloyd Cheney;
Assistant Planner – Royce Davies; and Recording Secretary – Darlene Baetz

Excused: Committee Member – John Marc Knight

1. Chairman Jensen opened the meeting at 5:03 pm and all present introduced themselves.
2. Consider approval of minutes for May 13, 2013.

Item was tabled.

3. **PUBLIC HEARING** – Consider a Conditional Use Permit to allow for a home occupation lawn care business at 1158 N. 200 W. #1, Kristopher Mortensen, applicant.

Kristoper Mortensen, applicant, was present. Royce Davies presented the staff report.

The property of the proposed Lawn Care Business is located in a Multiple Family RM-13 zone within an apartment complex not owned by the Applicant. Permission to run the Lawn Care Business from the apartment complex owner is required before a business can be established.

The applicant has indicated that no other employees would congregate at the property. No signs would be placed on the apartment or the property. Equipment used would be a mower, weed whacker, and a trailer. Equipment would be stored in an off-site storage unit. No chemicals will be stored on the property.

Upon review of the application, staff finds that the applicant complies with requirements in the City Ordinance regarding Home Occupation Business Licenses. Staff recommends approval of a Conditional Use Permit with the following conditions:

1. The Applicant is to keep a current Bountiful City Home Business license while operating the business.
2. The Applicant is to continually comply with the requirements in the Bountiful City Code concerning a Home Occupation Businesses. (14-17-105)
3. The Applicant is to continually comply with the requirements of Bountiful City Code concerning the Storage of Commercial Items in a Multi Family Zone. (14-5-114)
4. This Conditional Use Permit is just for this Applicant at this site and is non-transferable.

Chairman Jensen opened and closed the Public Hearing at 5:05 without any comments.

Staff discussed that a home occupation business needs be transparent to the neighbors. Applicant presented a handwritten note giving permission to operate a home business from the property.

Mr. Badham made a motion to approve the Conditional Use Permit to allow for a home occupation lawn care business at 1158 N. 200 W., #1, Kristopher Mortensen, applicant as set forth by staff. Mr. Cheney seconded the motion. Voting passed 3-0 in favor.

4. **PUBLIC HEARING** - Consider a Conditional Use Permit to allow solar panels at 177 E. Oakridge Dr., Steve and Debra Nielsen, applicant.

Jack Matsen, representing Intermountain Wind and Solar LLC, was present. Royce Davies presented the staff report.

The Applicant's property is located in the R-3, Residential Single Family zone. Solar power panels are classified in the City Ordinance as "private power plants" and require a conditional use permit if they are over 10 Watts.

Plans have been submitted showing 36 existing solar panels divided into 2 arrays with 12 more panels to be added. The additional panels will be configured into 5x1 and 7x1 arrays that will attach to the existing panel arrays. The new panels will be bolted to the roof studs with 3 1/8" lag screws per manufacturer specifications and will also match the pitch of the roof (4/12). A review of sunlight reflected by the arrays indicates no major impacts on surrounding properties. The estimate on the solar panel installation and specifications were provided by Intermountain Wind and Solar LLC.

Based on the findings, staff has determined that the Applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. Applicant obtains a building permit.
2. This Conditional Use Permit is solely for this site and is non-transferable.

This is the second Conditional Use Permit (CUP) for Steve and Debra Nielsen. The first CUP was approved on 12-27-12.

Chairman Jensen opened and closed the Public Hearing at 5:10 without any comments.

Mr. Cheney made a motion to approve the Conditional Use Permit to allow solar panels at 177 E. Oakridge Dr., Steve and Debra Nielsen, applicant as set forth by staff. Mr. Badham seconded the motion. Voting passed 3-0 in favor.

5. **PUBLIC HEARING** – Consider a Conditional Use Permit to allow for solar panels at 3314 S 200 E., Debbie and Dan Hammon, applicant.

Lloyd Cheney stated that Debbie Hammon is his wife's cousin.

Jack Matsen, representing Intermountain Wind and Solar LLC was present. Royce Davies presented the staff report.

The Applicant, Debbie Hammon, is applying for a Conditional Use Permit to allow for solar panels at 3314 South 200 East.

The Applicant's property is located in the R-3, Residential Single Family zone. Solar power panels are classified in the City Ordinance as "private power plants" and require a conditional use permit if they are over 10 Watts.

Plans have been submitted showing 31 new solar panels divided into 4 arrays. The 4 arrays will be arranged in a staggered configuration that will allow for flush installation against the roof with between 6 and 10 panels per array. The new panels will be bolted to the roof trusses per manufacturer specifications and will also match the pitch of the roof (7/12). A review of sunlight reflected by the arrays indicates no major impacts on surrounding properties. The estimate on the solar panel installation and specifications were provided by Intermountain Wind and Solar LLC.

Based on the findings, staff has determined that the Applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. Applicant obtains a building permit.
2. This Conditional Use Permit is solely for this site and is non-transferable.

Chairman Jensen opened and closed the Public Hearing at 5:14 without any comments.

Staff and Mr. Matsen discussed the pitch of the roof and how the panels would be attached.

Mr. Cheney made a motion to approve the Conditional Use Permit to allow solar panels at 3314 S. 200 E., Debbie and Dan Hammon, applicants, as set forth by staff. Mr. Badham seconded the motion. Voting passed 3-0 in favor.

6. **PUBLIC HEARING** – Consider a Conditional Use Permit to allow solar panels at 947 Green Oaks, Kevin and Elizabeth Riedler, applicants.

Kevin Riedler, applicant, and Scott Cramer representing Go Solar Group LLC, were present. Royce Davies presented the staff report.

The Applicant's property is located in the R-3, Residential Single Family zone. Solar power panels are classified in the City Ordinance as "private power plants" and require a conditional use permit if they are over 10 Watts.

Plans have been submitted showing 16 new solar panels divided into 2 arrays. The 2 arrays will be arranged in a staggered configuration that will allow for flush installation against the roof with between 5 panels in one array and 11 panels in the other array. The new panels will be bolted to the roof trusses per manufacturer specifications and will be parallel with the slope of the roof (5/12). The Applicant has indicated that the panels will be black in order to match the aesthetics of the roof. A review of sunlight reflected by the arrays indicates no major impacts on surrounding properties. The estimate on the solar panel installation and specifications were provided by Go Solar Group LLC.

Based on the findings, staff has determined that the Applicant would comply with all requirements for the conditional use permit. Staff recommends approval for the Conditional Use Permit with the following conditions:

1. Applicant obtains a building permit.
2. This Conditional Use Permit is solely for this site and is non-transferable.

Chairman Jensen opened and closed the Public Hearing at 5:19 without any comments.

Staff and Mr. Cramer discussed the standoff and location of panels.

Mr. Badham made a motion to approve the Conditional Use Permit to allow for solar panels at 947 Green Oaks, Kevin and Elizabeth Riedler, applicants, as set forth by staff. Chairman Jensen seconded the motion. Voting passed 3-0 in favor.

7. **PUBLIC HEARING** – Consider a Variance for retaining walls in excess of 10' in height and disturbing ground over 30% in slope at, 4421 S. Foothill Dr., Danielle and Jace Jacketta, applicant.

Jace and Danielle Jacketta were present. Royce Davies presented the staff report.

The property is located in Residential Foothill R-F zone. The applicant is requesting a variance from §14-4-104.A to build on slopes over 30%, and from §14-4-117.D.9 to build retaining walls exceeding 10 ft. in height.

The footprint of the retaining wall shows that the hillside behind the home will be disturbed in the construction process as much as approximately 62 ft. into the slope that is over 30%.

According to the aerial view adjacent properties have constructed similar retaining walls that have exceeded the maximum 10 ft. in height, and are all built in an area that is over 30% in slope.

Criteria in Utah State Law require that 5 specific conditions are met for a variance to be granted.

- (i) Literal enforcement of the ordinance would create an undue hardship because the Location of the retaining wall under the 30% slope would allow little to no useable space in the back of the structure.
- (ii) There are special circumstances attached to this land that does not apply to most other properties in the zone. Steep land is common in this zone, but this property has a slope greater than 30% that is closer to the front of the property line than in most other properties in the area.
- (iii) Not building on the slope that exceeds 30% does deny the applicant access to essential property rights enjoyed by others.
- (iv) Allowing disturbance of the hillside is not contrary to the general plan or the public interest of protecting the hillside. Minimal disturbance will be done to the hillside.

- (v) The spirit of the land use ordinance will still be protected in keeping natural aesthetics and beauty of the hillside by minimizing the removal of vegetation and re-vegetating disturbed areas.

Staff recommends approval of the variance based on compliance with all 5 conditions outlined in Utah State Code regarding variances, and upon the applicant meeting the following conditions:

1. Excavated soil will be returned to reconstitute the 30% slope area shown in the engineering plans.
2. All topography requirements set forth in the engineering plans must be met.
3. Engineering plans for the retaining walls must be provided by the Engineering Department.

Chairman Jensen opened and closed the Public Hearing at 5:25 without any comments.

Mr. Cheney discussed the slope and grading issues with this property. Mr. and Mrs. Jacketta clarified the property would be re-vegetated and discussed the retaining walls and vegetation options.

Mr. Badham made a motion to approve the Conditional Use Permit to consider a variance for retaining walls in excess of 10' in height and disturbing ground over 30% in slope at 4421 S. Foothill Dr., Danielle and Jace Jacketta, applicants, based on the findings and staff recommendations. Mr. Cheney seconded the motion. Voting passed 3-0 in favor.

8. Consider an approval of a Conditional Use Permit letter, in written form, for an accessory dwelling at 183 W. 3375 S., Patrick Scott of Brighton Homes, applicant.

Mr. Cheney made a motion to approve the Conditional Use Permit letter, in written form, for an accessory dwelling at 183 W. 3375 S., Patrick Scott of Brighton Homes, applicant, with changes as noted. Chairman Jensen seconded the motion. Voting passed 2-0 in favor with Mr. Badham abstaining as he was not at that meeting.

9. Chairman Jensen ascertained there were no other items to discuss. Mr. Cheney made a motion to adjourn. Chairman Jensen seconded the motion. The meeting was adjourned at 5:39 pm.